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09/904,415	07/12/2001	Paul Goldman	OB-200	3576

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09/08/2003

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EXAMINER

O CONNOR, CARY E

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No.

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment document filed on 9-2-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. **Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.**

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Please see attachment pg 2 of your response. Please correct.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (previously amended): An oral care device, comprising:

particulate;

a toothbrush including a head and one or more bristles extending from the head;

a handle from which the head extends;

a conduit for supplying water, said particulate and pressured air to the head at the same time such that the water, particulate and pressured air can be sprayed onto the teeth from the head to enhance cleaning, wherein the handle includes a switch for controlling the flow of water, said particulate and pressured air to the head.

Claims 2 and 22 (cancelled)

Claim 3 (previously amended): The oral care device of claim 1, wherein the conduit is at least partially within the head.

Claim 4 (original): The oral care device of claim 3, wherein the conduit is at least partially within the head.

Claim 5 (original): The oral care device of claim 1, wherein the conduit is at least partially within the head.

Claim 6 (original): The oral care device of claim 1, wherein said conduit includes a flexible tube.

Claim 7 (currently amended): An oral care device, comprising:

a housing;

an electric motor within the housing;

an air compressor within the housing and operated by the motor;

a slurry;

an enclosed container, attached to the housing, for holding said slurry;

a first conduit for conducting compressed air from the compressor into the container; and

a second conduit for conducting the slurry and air from the container to an applicator from which the slurry and air is sprayed into the oral cavity of a human, the slurry and air exiting the container at a location above a surface of the slurry.

Claim 8 (original): The oral care device of claim 7, wherein the slurry includes water.

Claim 9 (original): The oral care device of claim 7, wherein the slurry includes sodium bicarbonate and sodium laurel sulfate.

Claim 10 (original): The oral care device of claim 7, further including an air ballast through